MOTION FILED

MAY 1 4 1996

No. 95-1065

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1995

PAUL SCHENCK

PETITIONER

v.

PRO-CHOICE NETWORK OF WESTERN NEW YORK

RESPONDENT

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

MOTION TO ALLOW COUNSEL TO REPRESENT CHILDREN UNBORN AND BORN ALIVE

ALAN ERNEST
COUNSEL FOR MOVANT

P.O. BOX 4041
RIO RICO, AZ 85648
(520) 281 - 7513

BEST AVAILABLE COPY

27 pp

CONTENTS

Interest of Counsel.....1

Summary of Argument.....1

Argument.....1

I.
THE COURT USED THE MOCK TRIALS TO EFFECT AND MAINTAIN ITS ROE v. WADE KILLINGS WHICH THE NUREMBERG TRIBUNAL CONDEMNED AS "NOT A JUDICIAL PROCEEDING BUT A MURDER"

THE UNBORN HAVE A LEGAL RIGHT TO BE REPRESENTED BY COUNSEL, AND AIDED BY ALL PROCEDURES GUARANTEED BY THE CONSTITUTION, TO DEFEND THEIR CONSTITUTIONAL RIGHT TO LIFE

1.
THIS COURT EFFECTED AND MAINTAINS ITS ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY REFUSING TO ALLOW COUNSEL TO REPRESENT THE UNBORN AND DEFEND THEIR CONSTITUTIONAL RIGHT TO LIFE.....1

2.
THIS COURT EFFECTED ITS ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY REFUSING TO ALLOW ANY PRIOR NOTICE OF THE STANDARDS, THE BURDENS, OR THE EVIDENCE WHICH IT USED TO INFER THAT THE LIVES OF THE UNBORN ARE NOT PROTECTED BY THE U.S. CONSTITUTION...4

3.
THE COURT EFFECTED ITS ROE v. WADE KILLINGS BY USING UNCONSTITUTIONAL SECRET PROCEEDINGS TO FIND EVIDENCE TO INFER THAT THE LIVES OF THE UNBORN ARE NOT PROTECTED BY THE U.S. CONSTITUTION 6

4.
THE COURT EFFECTED AND MAINTAINS ITS ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY REFUSING TO ALLOW ITS EVIDENCE, WHICH IT USED TO INFER THAT THE LIVES OF THE UNBORN ARE NOT PROTECTED BY THE CONSTITUTION, TO BE CONFRONTED AND CROSS-EXAMINED.....8

5.
THIS COURT EFFECTED AND MAINTAINS ITS ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY REFUSING TO ALLOW EVIDENCE TO BE PRESENTED ON BEHALF OF THE UNBORN TO PROVE THE CONSTITUTION'S GUARANTEE OF LIFE TO "ANY PERSON" DOES INCLUDE THE UNBORN.....9

II.
COUNSEL FOR THE UNBORN RAISES ISSUES, NOT RAISED BY THE PARTIES, WHICH DISPOSE OF THIS CASE.

1.
THE CONSTITUTION'S GUARANTEE OF LIFE TO "ANY PERSON" DOES INCLUDE THE UNBORN.....12

2.
LEADERS OF THE U.S. GOVERNMENT CONSPIRE TO MAINTAIN THE ROE v. WADE KILLINGS BY IMPOSING THE NAZI DOCTRINES ON THE UNITED STATES WHICH THE UNITED STATES ITSELF CONDEMNED AS MURDER AND EXTERMINATION AT NUREMBERG.....12

Conclusion.....22

TABLE OF AUTHORITIES

Cases:

Dred Scott v. Sanford, 19 How. 393.....5

Ernest v. U. S. Attorney for the Eastern District of Virginia, U.S. Attorney General, cert. denied 475 U.S. 1084 (1986).....14,15

Ernest v. Rehnquist, Stevens, Breyer, O'Connor, Scalia, Souter, Thomas, Ginsburg, etc., U.S. Attorney, etc., U.S. Attorney General, in the Circuit Court of Fairfax, Va., Civil No. 90367.....16

Ernest v. Rehnquist, Stevens, Breyer, O'Connor, Scalia, Souter, Thomas, Ginsburg, etc., U.S. Attorney, etc., U.S. Attorney General, U.S. District Court in Alexandria, Civil No. 89-732A.....17,18

Goldberg v. Kelly, 397 U.S. 254.....3

Imbler v. Pachtman, 424 U.S. 409 4

In Re Gault, 387 U.S. 1.....3

United States v. Altstoetter, [The Justice Case], 3 Trials of War Criminals Before the Nuernberg Military Tribunals (1951).....11,12,13

Briefs Filed In This Court:

Amicus curiae brief by the Legal Defense for Unborn Children, filed in this case.....5,12,13

Petition for Rehearing, Doe v. Bolton, 410 U.S. 179 (1973).....2,5,7,8,9

U.S. Constitution:

Sixth Amendment
Assistance of Counsel 1-3
Prior Notice.....4-6
Secret Proceedings.....6-8
Confrontation 8-9
Presenting Evidence 9-12

MOTION TO ALLOW COUNSEL TO REPRESENT CHILDREN UNBORN AND BORN ALIVE

The Court is moved to allow Alan Ernest to represent the victims being killed by Roe v. Wade, 410 U.S. 113, as counsel or guardian ad litem.

This is effectively a motion to allow retained counsel since there will be no expense to the Court or to taxpayers.

INTEREST OF COUNSEL

Alan Ernest is a member of the Court's bar and his defense of the right to life of the unborn is well-known to the Court.

SUMMARY OF ARGUMENT

The unborn have a legal right to be represented by counsel, and to be aided by all the procedures guaranteed by the Constitution, so their counsel can prove that the Constitution's guarantee of life to "any person," made in its Fifth and Fourteenth Amendments, does include the unborn.

Argument

I.

THE COURT USED THE MOCK TRIALS TO EFFECT AND MAINTAIN ITS ROE v. WADE KILLINGS WHICH THE NUREMBERG TRIBUNAL CONDEMNED AS "NOT A JUDICIAL PROCEEDING BUT A MURDER"

THE UNBORN HAVE A LEGAL RIGHT TO BE REPRESENTED BY COUNSEL, AND AIDED BY ALL PROCEDURES GUARANTEED BY THE CONSTITUTION, TO DEFEND THEIR CONSTITUTIONAL RIGHT TO LIFE

1.

THIS COURT EFFECTED AND MAINTAINS ITS ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY REFUSING TO ALLOW COUNSEL TO REPRESENT THE UNBORN AND DEFEND THEIR CONSTITUTIONAL RIGHT TO LIFE

Counsel did not especially represent the unborn in the U.S. District Court, or at any stage in Roe v. Wade. An original party objected that the unborn should be represented by counsel in the U.S. Supreme Court:

> "(T)he Court should have every benefit of a complete record and the representation of a guardian ad litem for that fetal entity and for its natural right to develop to birth." Petition for Rehearing 5, Doe v. Bolton, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973).

But the Court refused to allow counsel to represent the unborn and defend their right to life under the U. S. Constitution. Thus the Court commenced its killings.

And the Court has maintained its killings by steadfastly refusing to allow counsel to represent the unborn, and defend their right to life under the Constitution.[1]

---

1. Colautti v. Franklin, 439 U.S. 379, motion to allow counsel for the unborn denied 437 U.S. 902; Anders v. Floyd, 440 U.S. 445, motion to allow counsel for the unborn denied 439 U.S. 890; Bellotti v. Baird, 443 U.S. 622, motion to allow counsel for the unborn denied 439 U.S. 1065; Ashcroft v. Freiman, affirmed 440 U.S. 941, motion to allow counsel for the unborn denied 440 U.S. 941; United States v. Zbaraz, 448 U.S. 358, motion to allow counsel for the unborn denied 444 U.S. 1030; Harris v. McRae, 448 U.S. 297, motion to allow counsel for the unborn denied 445 U.S. 941; H.L. v. Matheson, 450 U.S. 398, motion to allow counsel for the unborn denied 445 U.S. 959; Simopoulos v. Virginia, 462 U.S. 506, motion to allow counsel for the unborn denied 458 U.S. 1104; Planned Parenthood of Kansas City v. Ashcroft, 462 U.S. 476 motion to allow counsel for the unborn denied 458 U.S. 1104; Akron Center for Reproductive Health v. Akron, 462 U.S. 416, motion to allow counsel for the unborn denied 458 U.S. 1104; Diamond v. Charles, 476 U.S. 54, motion to allow counsel for the unborn denied 473 U.S. 932; Thornburgh v. American College of Obstetricians, 476 U.S. 747, motion to allow counsel for the unborn denied 473 U.S. 931; Hartigan v. Zbaraz, 484 U.S. 171, motion to allow counsel for the unborn denied 479 US 1003; Webster v. Reproductive Health Services 492 U.S. 490, motion to allow counsel for the unborn denied 489 U.S. 106; Ohio v. Akron Center for Reproductive Health, 497 US 502, motion to allow counsel for the unborn denied 493 U.S. 802; Hodgson v. Minnesota, 497 US 417, motion to allow counsel for the unborn denied 492 U.S. 803; New York v. Sullivan, 500 U.S. 173, motion to allow counsel for the unborn denied 497 U.S. 1002; Planned Parenthood of Southeastern Pennsylvania v. Casey, 120 L Ed 2d 674, motion to allow counsel for the unborn denied 117 L Ed 2d 614; National Organization for Women v. Scheidler, 126 L Ed 2d 99, motion to allow counsel for the unborn denied 125 L Ed 2d 786 (1993).

The unborn have a constitutional right to be represented by counsel to defend their right to life under the U.S. Constitution.[2]

2. Even in civil proceedings, where crucial deprivations are threatened, such as loss of welfare, due process guarantees (1) prior notice of the factual and legal bases; (2) the right to be represented by counsel; (3) the right to confront and cross-examine adverse evidence; (4) the right to present evidence. Goldberg v. Kelly, 397 U.S. 254, 268-271 (1970). See also, In Re Gault, 387 U.S. 1 (1967).

Could it be possible that procedures, which could not be used to deprive a mother of welfare, could be used to exclude her from the protection of the U.S.Constitution

Judges who willfully deny this right are guilty of crime.[3] This denial makes Roe v. Wade void.

2.

THE COURT EFFECTED ITS ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY REFUSING TO ALLOW ANY PRIOR NOTICE OF THE STANDARDS, THE BURDENS OF PROOF, OR THE EVIDENCE WHICH IT USED TO INFER THAT THE LIVES OF THE UNBORN ARE NOT PROTECTED BY THE U.S. CONSTITUTION

The U.S. District Court in Roe v. Wade did not even look to see if the lives of the unborn were protected by the Constitution. This question was argued for the first time after the case reached the U.S. Supreme

---

so that she could be killed with impunity from criminal laws? This is preposterous.

The Constitution would not permit any court to condemn even one single Jew to death in a criminal case, but deny any of these procedural rights. Then neither can it permit any court to condemn all Jews in the United States to death, but deny any of these procedural rights, by calling it a civil proceeding, and decreeing the lives of all Jews are not protected by the U.S. Constitution, and it is "liberty" to kill all Jews with impunity from criminal laws.

Any victim is entitled to all these procedural protections before any court can decree that the victim's life is not protected by the Constitution, and the victim can be killed with impunity from criminal statutes. The rule for one is the rule for all. These are the sacred truth-seeking procedures which protect the lives of all Americans from extermination.

3. "Even judges ... could be punished criminally for willful deprivations of constitutional rights." Imbler v. Pachtman, 424 U.S. 409 (1976).

Court. Since the Court had never previously excluded anyone from the protection of the U.S. Constitution so they could be killed with impunity from criminal statutes, the parties had no prior notice of the factual and legal bases for such an exclusion.

In the aftermath of Dred Scott and the civil war, the Fourteenth Amendment was intended to assure the nation that the Court could never again imply another exception to the Constitution's universal guarantee of life and liberty to "any person."[4]

But in 1973, the Court combined total surprise with defiance of longstanding legitimate public expectation, and implied another exception to "any person."

In particular, the Court gave the parties in Roe v. Wade no prior notice of the constitutional standards, the burdens of proof, or the evidence, which the Court used to infer that the Fourteenth Amendment's guarantee of life to "any person" did not include the unborn.

The first time the parties had notice was when Roe v. Wade was published, and the victims were already condemned to death. An original party objected that it lacked the prior notice needed to defend the unborn:

> (N)ot only did the Court set a new constitutional standard, but at the same moment the Court applied the standard without giving the Appellees notice or opportunity to present evidence with respect to the point in gestation at which such standards, if they be correct as a matter of law in the first place, should be applied. "Viability", "meaningful life" or existence, "fetal life": all presumably have medical meaning which should be

---

4. The history of Dred Scott is outlined in the amicus brief filed herein by the Legal Defense for the Unborn p. 4-6.

> subject to medical testimony before a decision of constitutional import becomes solidified in concrete. These concepts are not even necessarily the appropriate ones. (emphasis added)
> Petition for Rehearing 6, Doe v. Bolton, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973).

But the Court refused to allow the original parties to have any prior notice. Thus the Court commenced its killings.

And the Court has maintained its killings despite repeated objections that the unborn had no prior notice in Roe v. Wade of the factual and legal bases needed to defend the unborn's right to life under the U.S. Constitution.[5]

The unborn have a constitutional right to prior notice of all the factual and legal bases before they can be excluded from the protection of the Constitution so they can be killed with impunity from criminal statutes.[6] Judges who willfully deny this right are guilty of crime.[7] This denial makes Roe v. Wade void.

3.

THE COURT EFFECTED ITS ROE v. WADE KILLINGS BY USING UNCONSTITUTIONAL SECRET PROCEEDINGS TO FIND EVIDENCE TO INFER THAT THE LIVES OF THE UNBORN ARE NOT PROTECTED BY THE U.S. CONSTITUTION

The Court used secret evidentiary proceedings to find evidence to infer that the lives of the unborn were not protected by the Constitution. The Court conducted these evidentiary proceedings in its back rooms.

---

5. See cases in note 1, supra.

6. See note 2, supra.

7. See note 3, supra.

The parties were not allowed to be present. No public record was made of the secret proceedings. The purpose of these secret proceedings was to give the Justices an opportunity to find evidence to infer that the lives of the unborn were not protected by the U.S. Constitution. An original party objected to these secret proceedings:

> "The Court has taken judicial notice of innumerable facts and factors, some which are expressly referred to in the Court's decision and some which are unknown to the parties but which apparently were extricated from various sources by the Court's diligent research, which facts nevertheless should be subject to refutation and counter-evidence since they form the foundation for the Court's opinion ... of constitutional stages of fetal growth." Petition for Rehearing 4, Doe v. Bolton, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973).

The first time the victims saw the evidence used against them was after they were already condemned to death. But the Court overruled the party's objection to its secret evidentiary proceedings. Thus the Court commenced its killings.

And the Court has maintained its killings despite repeated objections that it used secret proceedings in Roe v. Wade.[8]

The unborn have a constitutional right not to be excluded from the protection of the U.S. Constitution by secret evidentiary proceedings.[9] Judges who willfully deny

---

8. See cases in note 1, supra.

9. See note 2, supra.

this right are guilty of crime.[10] This denial makes Roe v. Wade void.

4.

THE COURT EFFECTED AND MAINTAINS ITS ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY REFUSING TO ALLOW ITS EVIDENCE, WHICH IT USED TO INFER THAT THE LIVES OF THE UNBORN ARE NOT PROTECTED BY THE CONSTITUTION, TO BE CONFRONTED AND CROSS-EXAMINED

Since the Court used secret evidentiary proceedings, the original parties had not seen all the evidence which the Court used to infer that the lives of the unborn are not protected by the U.S. Constitution. An original party asked permission to cross-examine the evidence which the Court used to infer that the lives of the unborn were not protected by the U.S. Constitution:

> "The Court has taken judicial notice of innumerable facts and factors, some which are expressly referred to in the Court's decision and some which are unknown to the parties but which apparently were extricated from various sources by the Court's diligent research, which facts nevertheless should be subject to refutation and counter-evidence since they form the foundation of the Court's opinion ... of constitutional stages of fetal growth." Petition for Rehearing 4, Doe v. Bolton, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973) (emphasis added).

But the Court refused to allow its evidence in Roe v. Wade, which it used to infer that the lives of the unborn were not protected by the U.S. Constitution, to be cross-examined. Thus the Court commenced its killings.

---

10. See note 3, supra.

And despite repeated claims that the Court fabricated evidence, the Court has maintained its killings by steadfastly refusing to allow its evidence, which it used to infer that the lives of the unborn were not protected by the U.S. Constitution, to be confronted and cross-examined.[11]

The unborn have a constitutional right to confront and cross-examine the evidence which the Court used to infer that their lives are not protected by the U.S. Constitution.[12] Judges who willfully deny this right are guilty of crime.[13] This denial makes Roe v. Wade void.

5.

THE COURT EFFECTED AND MAINTAINS ITS ROE v. WADE KILLINGS BY UNCONSTITUTIONALLY REFUSING TO ALLOW EVIDENCE TO BE PRESENTED ON BEHALF OF THE UNBORN TO PROVE THAT THE CONSTITUTION'S GUARANTEE OF LIFE TO "ANY PERSON" DOES INCLUDE THE UNBORN

In Roe v. Wade, the Court invented new constitutional standards on the protection of life by the U.S. Constitution, which the parties did not see until after Roe v. Wade was decided. The parties never had opportunity to present evidence under these new standards. An original party requested permission to present evidence under the new constitutional standards, which it had not seen before, to show that the lives of the unborn are protected by the Constitution:

> "We are dealing here with a procedure long considered outlawed and which has suddenly become legal."
> ....

---

11. See cases in note 1, supra.

12. See note 2, supra.

13. See note 3, supra.

10

"The Court has selected a point in time at which states may protect fetal life, without any record of facts upon which to base the conclusion that only at "viability," as that term is defined by the Court, do the people of a state have authority to demand caution before a prenatal infant is destroyed."

....

"Appellees have had no opportunity to show by evidence in a traditional judicial trial setting at what gestational stage the separate life of the fetus is "meaningful" medically; in addition, the Court overlooked the significance of Georgia's legal recognition of meaningful human life as found in case law and statute."

....

"With no opportunity for Appellees to demonstrate the factual basis, in terms of current medical science, that its interest attaches at a particular point in the natural development of a human fetus, the Court has seized upon the convenient point of "viability" and crystallized constitutional command which bars State action."

....

"In the medical concept of "life," with its current body of technological knowledge, including such advances as fetal electrocardiography and fetal electroencephalography, legal "life" should not be cemented at an event in a judicial conclusion which does not have the benefit of medical evidence."

....

"At any rate, Appellees should have an opportunity to present evidence and testimony to support the State's claim of medically and scientifically sound interest in requiring a cautious approach to the extinguishment of fetal life." Petition for Rehearing 3 - 6, 8

Doe v. Bolton, 410 U.S. 179 (1973), denied 410 U.S. 959 (1973).

But the Court refused to allow the party to present evidence to show that the lives of the unborn were protected by the U.S. Constitution. Thus the Court commenced its killings.

And the Court has maintained its killings by steadfastly refusing to allow evidence to be presented on behalf of the unborn to prove that their lives are protected by the U.S. Constitution.[14]

The unborn have a constitutional right to present evidence in this case to prove that their lives are protected by the U.S. Constitution.[15] Judges who willfully deny this right are guilty of crime.[16] This denial makes Roe v. Wade void.

CONCLUSION

The Nuremberg Tribunal cited these judicial procedures as part of its evidence to convict Nazi judges of complicity in extermination and murder:

> "In many instances they [the accused] were denied the right to introduce evidence, to be confronted by witnesses against them.... They were ... denied the right of counsel of their own choice....(T)he accused learned only a few moments before trial of the nature of the alleged crime for which he was to be tried. The entire proceedings from beginning to end were secret and no public record was allowed to be made of them." United States v. Altstoetter,

---

14. See cases in note 1, supra.

15. See note 2, supra.

16. See note 3, supra.

3 Trials of War Criminals Before the Nuernberg Military Tribunals 1046-47.

The Nuremberg Tribunal said, "Such a mock trial is not a judicial proceeding but a murder."[17]

The Court used mock trials to effect and maintain its Roe v. Wade killings, which were not judicial proceedings but murders.

And the Court claims it can use such mock trials to decree the extermination of Jews, or anyone else, to be liberty.[18]

II.
COUNSEL FOR THE UNBORN RAISES ISSUES, NOT RAISED BY THE PARTIES, WHICH DISPOSE OF THIS CASE

1.
THE CONSTITUTION'S GUARANTEE OF LIFE TO "ANY PERSON" DOES INCLUDE THE UNBORN

Counsel will prove that the Constitution's universal guarantee of life to "any person" does include the unborn.[19]

2.
LEADERS OF THE U.S. GOVERNMENT CONSPIRE TO MAINTAIN THE ROE v. WADE KILLINGS BY IMPOSING THE NAZI DOCTRINES ON THE UNITED STATES WHICH THE UNITED STATES ITSELF CONDEMNED AS MURDER AND EXTERMINATION AT NUREMBERG

By merely changing the names of the victims being killed, the U.S. Supreme Court

---

17. United States v. Altstoetter, supra, at 1164.

18. See Part II, infra pages 12-22.

19. See the amicus curiae brief by the Legal Defense For Unborn Children, filed herein, and incorporated by reference.

has duplicated the crimes of "the supreme judge" of Nazi Germany.

At Nuremberg, the Nazi judges claimed they could not be found guilty of complicity in extermination and murder of millions of Jews and other minorities because "the supreme judge" of Nazi Germany had decreed those killings to be legal, and they were required to obey the decrees of "the supreme judge."[20]

Yet the United States prosecuted the Nazi judges for complicity in extermination and murder. And the Nuremberg Tribunal convicted them with the comment: "The dagger of the assassin was concealed beneath the robe of the jurist."

The record proves that the U.S. Supreme Court conspires to impose those same Nazi doctrines on America. The Court decreed killings to be "liberty" which the people had defined by their homicide statutes to be "murder."[21] The Court decreed mass murder to be legal, just as "the supreme judge" of Nazi Germany decreed mass murder to be legal. By merely changing the names of the victims, the Court has duplicated the decree of "the supreme judge" of Nazi Germany.

2.

When the U.S. Supreme Court was accused of mass murder in U.S. District Courts, the U.S. Government defended it by claiming its Supreme Court could decree the mass murder of anyone to be legal. The U.S. Government argued in open court that its Supreme Court must be obeyed even if it decreed the mass murder of Jews to be liberty. An incredulous U.S. District Judge asked the Government:

---

20. United States v. Altstoetter [The Justice Case], supra, at 983-985, 1011-1014.

21. See the amicus brief filed herein by Legal Defense for Unborn Children p. 6-14.

[U.S. District Judge]: Let me ask you to respond to this question. The plaintiff argues in his brief that the Supreme Court in Roe v. Wade took a discrete group of entities and said that these entities have no right to live, and thus may be killed .... And he said if you take Roe v. Wade and remove the word "fetus" and just substitute most any other word you want of another discrete group, that we wouldn't be here discussing this at all. Let's say that instead of "fetus," they said "Jews." That is the one he used in his brief.

Would you argue stare decisis to me if, under Roe v. Wade, at the whim of neighbors Jews could be put to death?

[U.S. Government Lawyer]: (I) would have to agree with the doctrine of stare decisis and advance it to the court.[22]

Thus the U.S. Government defended its Justices accused of mass murder by claiming the same doctrines which the United States itself prosecuted as complicity in murder and extermination at Nuremberg.

It was undisputed that the U.S. Supreme Court decreed killings to be "liberty" which legislatures had defined to be "murder." It was undisputed that the victims were being killed in defiance of murder statutes. Yet the U.S. Government expressly claimed in open court that its Supreme Court must be obeyed even if it decreed the mass murder of Jews, or anyone else, to be liberty.

---

22. Ernest v. United States Attorney for the Eastern District of Virginia and U.S. Attorney General, U.S. District Court in Richmond, Civ. No. 84-0858, transcript of proceedings at 21-22, cert. denied 475 U.S. 1084 (1986).

Although the U.S. District Judge objected that Roe v. Wade was "the worst decision by the Supreme Court in the history of the Court," he adopted the U.S. Government's arguments that he must obey the U.S. Supreme Court no matter whom it decreed a liberty to kill.[23]

3.

The petition for review of that decision filed in the U.S. Supreme Court accused it of mass murder:

> For the 67th time, the U.S. Supreme Court is accused in its own Court with mass murder in violation of state and federal statutes.[24]

The U.S. Government waived its right to oppose the petition for review, and thus the U.S. Supreme Court was accused in its own Court of mass murder, and the accusations were unopposed. Yet the Court neither denied that it had decreed mass murder to be liberty, nor objected to the trial court ruling that it must obey the U.S. Supreme Court even if it decreed the mass murder of Jews, or anyone else, to be liberty. If any Justice had believed that the U.S. Supreme Court did not have the power to decree the mass murder of Jews, or anyone else, to be liberty, the Justice would certainly have noted his or her objection. But no such objection was noted.

This record proves a conspiracy by the executive and judicial departments of the government of the United States to impose the Nazi doctrines on the United States

---

23. Petition for Cert. at A1, Ernest v. United States Attorney for the Eastern District of Virginia et al, cert. denied without comment, 475 U.S. 1084 (1986).

24. Id., at page 50.

which the United States itself condemned as complicity in extermination and murder at Nuremberg. Only the names of the victims being killed have been changed.

4.

Moreover, each Justice of the U.S. Supreme Court was named as a defendant in a civil suit, and accused in a State court of mass murder and treason.[25] The State court was asked to "Declare that there was probable cause to believe that the U. S. Supreme Court had conspired to commit murder" in violation of the State murder law.[26] Such a ruling could have been tantamount to the start of the criminal prosecution process against the Justices for mass murder.

History had never seen a moment when it was more imperative to meet charges, and if possible, refute them. The charges were made in court, the place designated by law to hear such charges. The courthouse is the place where anyone, including the most powerful, can be summoned, confronted with the facts, and required to adequately explain, or face the consequences.

But the Justices did not deny that they had decreed killings to be "liberty" which that State had defined to be "murder." Nor did the Justices deny that under Roe v. Wade victims were being killed in defiance of the State's murder statute. Nor did the Justices deny that they had been repeatedly accused of mass murder and extermination in the U.S. Supreme Court, but they had never attempted to refute the charges. Nor did the Justices

---

25. Ernest v. Rehnquist, Stevens, Breyer, O'Connor, Scalia, Kennedy, Souter, Thomas, Ginsburg, etc., U.S. Attorney, etc., U.S. Attorney General, et al, filed in the Circuit Court of Fairfax, Virginia, Civil No. 90367.

26. Complaint, supra note 25, at page 44.

deny that they were seeking to impose the Nazi doctrines on the United States which the United States itself condemned as extermination and murder at Nuremberg. To the contrary, this would be their defense.

The U.S. Government removed the case to the U.S. District Court in Alexandria.[27] Even though accused of extermination, mass murder and treason, the Justices did not attempt to show one single allegation in the complaint to be wrong in fact or law. The record shows the charges to be true.

Rather each Justice, through his or her U.S. Government lawyer, claimed that even if the U.S. Supreme Court decreed the mass murder of anyone to be liberty, all lower courts must obey.[28] And the Justices also claimed that after the Supreme Court had decreed the mass murder of anyone to be liberty, the victims being killed could not challenge the validity of its decree in any

---

27. Ernest v. Rehnquist, Stevens, Breyer, O'Connor, Scalia, Kennedy, Souter, Thomas, Ginsburg, etc., U.S. Attorney, etc., U.S. Attorney General, in the U.S. District Court in Alexandria, Civil No. 89-732-A.

28. The Justices claimed that the District Court "is prohibited by stare decisis from granting the relief requested in this action." Although a trial court was asked to find probable cause that the Justices had conspired to commit mass murder, the Justices defended themselves by claiming "a precedent of [the Supreme] Court must be followed by the lower federal courts no matter how misguided the judges of those courts may think it to be." Ernest v. Rehnquist, etc., supra note 27, Government's Memorandum in Support of Motion to Dismiss, page 3.

court.[29] The U.S. District Judge adopted the Justices' claims as law by summary decree - refusing to hold any hearings, and without showing any of the allegations in the complaint to be wrong in fact or law.

Thus, in defending themselves against accusations of mass murder and treason, each Justice of the U.S. Supreme Court claimed the power to decree the mass murder of Jews, or anyone else, to be liberty. And this claim is now accepted by the government of the United States - its courts, Congress and President - as the supreme law of the land.

Moreover this has been the steadfast policy of the U.S. Government, asserted in court after court, for almost two decades.[30] All the lower judges, who have upheld this Court's claim of power to condemn millions to death by decree, are accused herein of complicity in extermination, mass murder and treason to the U.S. Constitution.[31]

---

29. Id., Government's Memorandum in Support of Motion to Dismiss, at page 4.

30. Some of these cases are: U.S. District Court in Alexandria, Civ. No. 89-732; U.S. District Court in Salt Lake City, Civ. No. 85-0026; U.S. District Court in Richmond, Civ. No. 84-0858; U.S. District Court in Portland, Civ. No. 81-0272.

31. U.S. DISTRICT JUDGES: Albert V. Bryan, Jr.; Emmett R. Cox; Edward T. Gignoux; Harold H. Greene; J. Thomas Greene; William B. Hand; Joseph C. Howard; Martin F. Loughlin; Robert Earl Maxwell; Louis F. Oberdorfer; Raymond J. Pettine; Aubrey E. Robinson, Jr.; John J. Sirica; James R. Spencer; James C. Turk; D. Dortch Warriner; Don J. Young. U.S. CIRCUIT JUDGES: D.C. Circuit; David L. Bazelon; Carl McGowan; Roger Robb; George E. MacKinnon; Spotswood Robinson III; J. Skelly Wright; Edward A. Tamm; Malcolm R. Wilkey; First Circuit - Levin H. Campbell; Frank M. Coffin; Hugh H. Bownes; Stephen G. Breyer; Fourth Circuit - Harrison L. Winter; Donald S. Russell; H. Emory Widener, Jr.; Kenneth K. Hall; James D. Phillips, Jr.; Francis D. Murnaghan, Jr.; James M. Sprouse; Sam J. Ervin, II; Robert F. Chapman; Eleventh Circuit - John C. Godbold; Paul H. Roney; Gerald B. Tjoflat; James C. Hill; Peter T. Fay; Robert S. Vance; Phyllis A. Kravitch; Frank M. Johnson, Jr.; Albert J. Henderson, Jr.; Joseph W. Hatchett; R. Lanier Anderson, III; Thomas A. Clark. AND the judges in Roe v. Wade and Doe v. Bolton who decreed a "liberty" to kill the unborn without any investigation to see if their lives were protected by the U.S. Constitution: Circuit Judges Morgan and Goldberg; District Judges Smith, Henderson, Hughes and Taylor.

5.

President Bill Clinton has repeatedly rejected pleas to withdraw the U.S. Government's claim, made in numerous courts, that its Supreme Court has the power to decree the mass murder of Jews or anyone else to be legal. President Clinton was informed:

> The general rule is that mistake of law is no excuse for breaking the law. The narrow exception of reasonable reliance on an official judicial opinion, thereafter found to be a mistake of law, does not even apply in homicide cases. So if the U.S. Government's claim (that its Supreme Court has the power to decree the mass murder of Jews or anyone to be liberty and such decrees must be obeyed as the supreme law of the land) ultimately turns out to be a mistake of law, then all the government officials responsible for this lawless claim, which they used to perpetuate mass killing of children in open defiance of murder statutes, will be

guilty of complicity in a national scheme of mass murder.

....

If the U.S. Government's claim ... turns out to be a mistake of law, and you refuse to repudiate it while victims are actually being killed in defiance of murder statutes, then your acquiescence can implicate you in a national scheme of mass murder. This letter becomes a part of the record of this case as evidence of what you knew, and when you knew it.[32]

Yet while the victims were being killed in defiance of murder statutes, President Clinton not only rejected thirty-four such requests to withdraw the U.S. Government's claim, he also publicly endorsed the Roe v. Wade killings on numerous occasions, and his lawyers argued in this Court for greater protection for abortions.

Thus this President has contributed to this giant conspiracy to kill victims in defiance of murder statutes, and to impose on the United States the doctrines which the United States itself condemned as extermination and murder at Nuremberg. A jury could find this amounts to complicity in extermination, mass murder and treason.

6.

Leaders of Congress have also aided this conspiracy.[33] By acts of commission or

---

32. Letter to President Clinton dated March 31, 1993, certified no. P 867-382-498, received by the White House April 9, 1993.

33. The complaint, supra note 27, at p. 3, alleged that various members of the committees on the Judiciary, whose particular duty was to control the courts, were a part of the conspiracy: "The co-conspirators include ex-Chairman Peter Rodino, Chairman Rep. Jack Brooks, sub-

omission, leaders of Congress have helped the federal judicial and executive departments in this gigantic conspiracy to impose the Nazi doctrines on the United States which the United States itself condemned as extermination and murder at Nuremberg.[34] A jury could find this amounts to complicity in extermination, mass murder and treason.

7.

A U.S. courthouse has become a place where U.S. officials conspire to exterminate and murder, to overthrow the U.S. Constitution, and to escape the law by imposing Nazi doctrines on America. This is a signal event in the history of mankind's search for a government of laws, and not of men.

8.

This is a conspiracy by leaders of the judicial, executive and legislative branches of the government of the United States:

---

committee chairman Rep. Don Edwards, sub-committee chairman Rep. Robert Kastenmeier; Chairman Sen. Joseph Bidden, ex-Chairman Sen. Edward Kennedy. A jury could find this conspiracy to be murder." A jury might also convict numerous other current and former leaders of the U.S. Congress.

34. When the U.S. Congress held hearings on Roe v. Wade, it conspired to allow all the false evidence in Roe v. Wade to be presented, but refused to allow the rebuttal to be presented, and thus Congress conspired to present falsehood to the nation as if it were the truth. Moreover leaders of Congress have deliberately defied their constitutional duty to control this Court, knowing full well that their defiance would directly contribute to the death of the victims in violation of murder statutes. And many leaders of Congress have publicly endorsed the Roe v. Wade killings.

(1) to claim the power to decree the mass murder of Jews, or anyone, to be legal;
(2) to actually kill victims in violation of murder statutes; and
(3) to supplant the U.S. Constitution as the supreme law of the land, and to impose the Nazi doctrines on the United States which the United States itself condemned as extermination and murder.

The human mind cannot imagine a plainer or bolder case of treason to the U.S. Constitution by officials whose prime duty, and sworn duty, is to uphold it.

CONCLUSION

The Court is moved to allow Alan Ernest to represent the unborn and defend their right to life under the U.S. Constitution, and to prove that the Constitution's guarantee of life to "any person," in the Fifth and Fourteenth Amendments, does include the unborn. Both State and Federal governments have a duty to protect unborn life.

_____

Alan Ernest
Counsel